

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, HSBC BANK BERMUDA
LIMITED, HSBC FUND SERVICES
(LUXEMBOURG) S.A., HSBC HOLDINGS PLC,
HSBC INSTITUTIONAL TRUST SERVICES
(BERMUDA) LIMITED, HSBC PRIVATE BANK
(SUISSE) S.A., HSBC SECURITIES SERVICES
(BERMUDA) LIMITED, HSBC SECURITIES
SERVICES (IRELAND) LTD., HSBC
SECURITIES SERVICES (LUXEMBOURG)
S.A., HSBC BANK USA, N.A., HSBC PRIVATE
BANKING HOLDINGS (SUISSE) S.A., HSBC
BANK (CAYMAN) LIMITED, THEMA FUND
LTD., HERMES INTERNATIONAL FUND
LIMITED, LAGOON INVESTMENT TRUST,
GEO CURRENCIES LTD. S.A., HERMES
ASSET MANAGEMENT LIMITED, THEMA
ASSET MANAGEMENT LTD., EQUUS ASSET
MANAGEMENT LTD., THEMA ASSET
MANAGEMENT (BERMUDA) LTD., BA

Adv. Pro. No. 09-01364 (SMB)

**CERTIFICATION TO COURT OF
APPEALS BY ALL PARTIES¹**

¹ This certification complies with Official Bankruptcy Form 424.

WORLDWIDE FUND MANAGEMENT
LIMITED, 20:20 MEDICI AG, ERWIN KOHN,
EUROVALEUR, INC., SONJA KOHN, HERALD
ASSET MANAGEMENT LIMITED, INTER
ASSET MANAGEMENT, INC., ALPHA PRIME
ASSET MANAGEMENT LTD., TEREOTRUST
COMPANY LIMITED, ALPHA PRIME FUND
LIMITED, CARRUBA ASSET MANAGEMENT
LIMITED, REGULUS ASSET MANAGEMENT
LIMITED, and URSULA RADEL-
LESZCZYNSKI,

Defendants.

A notice of appeal having been filed in the above-styled matter on March 16, 2017 (ECF No. 448), Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff, individually, and HSBC Bank plc, HSBC Bank Bermuda Limited, HSBC Fund Services (Luxembourg) S.A., HSBC Holdings plc, HSBC Institutional Trust Services (Bermuda) Limited, HSBC Institutional Trust Services (Ireland) Limited, HSBC Private Bank (Suisse) S.A., HSBC Securities Services (Bermuda) Limited, HSBC Securities Services (Ireland) Limited, HSBC Securities Services (Luxembourg) S.A., HSBC Bank USA, N.A., HSBC Private Banking Holdings (Suisse) S.A., HSBC Bank (Cayman) Limited, Thema Fund Ltd., Hermes International Fund Limited, Lagoon Investment Trust, Lagoon Investment Limited, Hermes Asset Management Limited, Thema Asset Management Ltd., Equus Asset Management Ltd., Thema Asset Management (Bermuda) Ltd., and BA Worldwide Fund Management Limited, who are the appellant and all the appellees, hereby certify to the court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal in this matter:

- ☐ is required under 28 U.S.C. § 158(a)
☒ is not required under 28 U.S.C. § 158(a)

This certification arises in an appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the Southern District of New York entered on March 9, 2017 (ECF No. 447).

An immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken. *See* 28 U.S.C. § 158(d)(2)(A)(iii).

SIGNED: April 4, 2017
New York, New York

By: /s/ David J. Sheehan
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com

*Attorneys for Appellant Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
Bernard L. Madoff*

By: /s/ Thomas J. Moloney
**CLEARY GOTTlieb STEEN
& HAMILTON LLP**
One Liberty Plaza
New York, New York 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999
Thomas J. Moloney
Email: tmoloney@cgsh.com

*Attorneys for Appellees HSBC Bank plc,
HSBC Holdings plc, HSBC Securities
Services (Luxembourg) S.A., HSBC
Institutional Trust Services (Ireland)
Limited, HSBC Securities Services (Ireland)
Limited, HSBC Institutional Trust Services
(Bermuda) Limited, HSBC Securities
Services (Bermuda) Limited, HSBC Bank
(Cayman) Limited, HSBC Private Banking
Holdings (Suisse) S.A., HSBC Private Bank
(Suisse) S.A., HSBC Fund Services
(Luxembourg) S.A., and HSBC Bank
Bermuda Limited*

By: /s/ Joseph P. Moodhe

DEBEVOISE & PLIMPTON LLP

919 Third Avenue

New York, New York 10022

Telephone: (212) 909-6000

Facsimile: (212) 909-6386

Joseph P. Moodhe

Email: jpmoodhe@debevoise.com

*Attorneys for Appellees Thema Fund Ltd.,
Hermes International Fund Limited, Lagoon
Investment Trust*

By: /s/ Robin Spiegel

WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue

New York, New York 10019

Telephone: (212) 728-8000

Facsimile: (212) 728-8111

Sameer Advani

Email: sadvani@willkie.com

Robin Spiegel

Email: rspigel@willkie.com

*Attorneys for Appellees Thema Asset
Management (Bermuda) Ltd., Thema Asset
Management Ltd., Equus Asset Management
Ltd., Hermes Asset Management Limited*

By: /s/ Jonathan G. Kortmansky

SULLIVAN & WORCESTER LLP

1633 Broadway

New York, New York 10019

Telephone: (212) 660-3000

Facsimile: (212) 660-3001

Franklin B. Velie

Email: fvelie@sandw.com

Jonathan G. Kortmansky

Email: jkortmansky@sandw.com

*Attorneys for Appellees BA Worldwide Fund
Management Limited*